

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Troy Karpovich, as guardian of
Michael R. Karpovich,
a legally-incapacitated person,

Plaintiff,

v.

Case No. 18-12247

City of Detroit, *et al.*,

Defendants.

Sean F. Cox
United States District Court Judge

**ORDER DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION
OVER PLAINTIFF'S STATE-LAW CLAIMS**

On July 18, 2018, Plaintiff filed this action, asserting eight separate counts against a total of twelve Defendants. Plaintiff filed the action in federal court based upon federal-question jurisdiction over counts I, II, and III. Plaintiff asks the Court to exercise supplemental jurisdiction over Plaintiff's five state-law counts. (*See* Compl. at ¶¶ 2-3).

The applicable statute regarding supplemental jurisdiction, 28 U.S.C. § 1367, provides, in pertinent part, that district courts may decline to exercise supplemental jurisdiction over a claim when: 1) the claim raises a novel or complex issue of State law; 2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction; 3) the district court has dismissed all claims over which it has original jurisdiction, or 4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c).

This Court concludes that the state-law claims predominate over the limited federal claims in this action and may raise complex or novel issues of state law. In addition, the Court

finds that the potential for jury confusion in this case would be great if Plaintiff's federal claims were presented to a jury along with Plaintiff's state-law claims. Thus, the potential for jury confusion is yet another reason for this Court to decline to exercise supplemental jurisdiction over Plaintiff's state-law claims. *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); *Padilla v. City of Saginaw*, 867 F.Supp. 1309 (E.D. Mich. 1994); 28 U.S.C. § 1367(c)(4).

Accordingly, the Court **DECLINES TO EXERCISE SUPPLEMENTAL JURISDICTION** over the state-law claims asserted in this action. As such, the only claims that shall remain in this action are Counts I, II, and III. **IT IS ORDERED** that Counts IV, V, VI, VII, and VIII are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 19, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 19, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy

Case Manager